

**RUMSON PLANNING BOARD
OCTOBER 7, 2013
MINUTES**

Chairman Lospinuso called the regular meeting to order at 7:30 p.m. with the Pledge of Allegiance. The requirements of the Open Public Meetings Act were stated as met. The roll was called, with the following members present: Lospinuso, Rubin, Shanley, Clark, Koenig, White, Baret, Williams, Hewitt. Also present: Michael Steib (Board Attorney), Fred Andre (Zoning Officer), Bonnie Heard, (T&M Assoc.), State Shorthand Services.

Approval of Minutes

Motion was made and seconded to approve the minutes from the September meeting, with corrections. Voice Vote: Ayes, unanimous.

Resolutions

1. **Michael & Sarah Schutsky, 12 Blossom Road** – approval of minor subdivision. Mrs. White moved to adopt the resolution, and Mr. Clarke seconded.
Roll Call Vote: Ayes (Eligible) – Rubin, White, Clarke, Williams, Shanley, Koenig, Baret
Nays – None
Motion carried.

Aaron Finch, 64 Waterman Ave. (Continued Minor Subdivision Application)

Michael Bruno, attorney, appeared on behalf of the applicant. Mr. Steib advised that the Board has received the following exhibits:

- A-1 Revised minor subdivision application, dated 7/17/13 and revised 9/20/13;
- A-2 Second engineer's letter from T&M Assoc.

Mr. Bruno reviewed the application, which was carried from the September meeting, allowing the applicant to propose a new garage for Lot 15.02. The relief required is to allow a garage to remain on Lot 15.01 until such time as a new home is built, and also for the existing lot frontage variance for Lot 15.02. The minor subdivision is fully conforming. The relief is for the technical variance, so they can keep the garage. Charles Bell, engineer, is present this evening, along with the applicant. The new T&M review letter was received, and the applicant has agreed to abide by the terms in this revised letter.

Mr. Bell, still under oath from the last meeting, described the revised subdivision:

- Each lot will have frontage of 50' x 100' deep;
- They will keep the garage on new Lot 15.01;
- They propose a new garage on Lot 15.02;
- They will construct a new driveway on the north side of the existing dwelling on Lot 15.02, which is off the side yard property line, based on the ordinance.

The subdivision fully conforms to all bulk requirements for the R-5 Zone. Mr. Bell described the existing variances:

- Front yard setback to the existing porch (no changes for this structure);
- Side yard setback between lots 15.02 and Lot 16 – requirement is for combined side yard setbacks between the two properties.

They show a proposed dwelling on Lot 15.01. The width of the house has now been reduced to accommodate the proposed driveway to the garage.

Ms. Baret asked how big the new garage would be on Lot 15.01. Mr. Bell said it is 19' x 12.10' – enough to get a car in the structure. The distance between the two driveways on Lots 15.01 and 15.02 will be up to the developer. The width of the driveway on Lot 15.02 will be 8.9', which is adequate, in his opinion.

Mrs. White asked about the driveway area next to the house, and Mr. Bell said the asphalt is shown as going up to the house, although an alternate design for the house may change to include a built-in garage.

The lot coverage does include driveways and walk ways, according to Ms. Heard.

Mr. Bell again noted that their plan shows a house that conforms to the ordinance requirements. A future design may change, although they will still meet the requirements of the ordinance.

Mr. Bruno suggested that a condition of approval could be included to say that a garage on Lot 15.02 would need to be constructed.

Mr. Steib has a concern with Lot 15.01, in that they are proposing a garage with no dwelling, and he asked how long this condition could stay. With the exception of two pre-existing nonconformities, as noted, they are presenting a fully conforming subdivision, which must show a garage on both properties. Councilman Rubin suggested giving them a year to complete the requirements, after which they would be required to post a bond if it were not completed.

There were no questions or comments from the public.

The Board thought Councilman Rubin's suggestion was reasonable. Mrs. Williams asked how this would be enforced. Mr. Shanley noted that things are not easy in the wake of the storm, and he thinks the applicant could be given a little slack. The building inspector would be the one to enforce any conditions imposed.

Mr. Steib advised that the applicant will post a bond as security for the demolition of the existing garage on Lot 15.01 within one year, unless there is a residence built that is using it or a residence built that has a built-in garage. This bond will also cover the construction of a new garage on Lot 15.02. Councilman Rubin moved to approve the application, with this condition, and Mr. Koenig seconded.

Roll Call Vote: Ayes – Lospinuso, Rubin, Shanley, Hewitt, Baret, Clarke, White, Williams, Koenig
Nays – None

Motion carried.

Michael Coscia, 3 Oyster Bay Drive (Informal Review)

Mr. Steib advised that this is a request for an informal review of a minor subdivision proposal, and the Board's comments are nonbinding.

Michael Bruno, attorney, appeared on behalf of the applicant and explained that there is a ranch home on the property with a nonconforming front yard setback (43' where 100' are required). They are proposing to subdivide and get rid of this house and build two conforming structures. They do not have enough property to make two conforming lots, but they would be removing a nonconforming structure and building two conforming homes on two nonconforming lots. The current house was destroyed by Super

Storm Sandy. He thinks this application makes sense, and the board would have input as to the houses that would be built on the lots.

Chairman Lospinuso commented that this is an R-1 Zone. Other requests have come before the Board in this zone, and they have been consistent in their decisions for this zone. Mr. Bruno noted that none of the lots in this area are conforming.

Mrs. White thinks they may be opening up a can of worms if they allow this in this zone.

Mr. Bruno said this is a unique property in that it is oversized, but not enough to provide two conforming lots. The existing structure is very nonconforming, and they would have an opportunity to allow two homes that would comply with the new FEMA rules and also comply with the setbacks. The Board would have much control over the type of homes on the lot.

They would be requesting variances for:

- Minimum lot area (25% and 14% deviations) - They feel they have a hardship because of the storm, and the new homes would be conforming as to setbacks;
- Lot frontage (20% deviation);
- Lot shape circle requirement (60% could be provided).

Mr. Hewitt thinks it would change the character of the neighborhood dramatically by building two homes where there has been only one. Mr. Bruno said the flood damage plays into the hardship issue.

Chairman Lospinuso noted that the Board must consider the precedent-setting issue, as well as any hardship. Mr. Bruno noted that the Board could have much control as to the size of the homes, etc., and the applicant would be willing to abide by the conditions set forth, because of the variances required.

Councilman Rubin asked if the neighbors have been approached, and Mr. Coscia said they have not. They would like to build on one lot and sell it to finance the building of the other home.

Mr. Shanley thinks they are asking too much for the lot, and Mr. Clarke agreed. Mrs. White is also not comfortable, because she thinks they would start to set a precedent for the area. Mrs. Williams and Ms. Baret agree.

The zones in the area were discussed, and Mr. Bruno reviewed this via a location map provided, noting several various sized lots. He does not think this plan would be out of character for the area.

Councilman Rubin appreciates the hardship issue, but he is not sure he would be in favor of this application.

Dr. Lospinuso also understands the hardship, and the Board is very empathetic to his case, but he noted that the general consensus of the Board seems to be that they would not be in favor of this plan. He suggested they consult with the neighbors to also get their input, and if they were in favor, he might want to further pursue the application.

The next meeting will be **Monday, December 2, 2013.**

There being no need for an executive session, motion was made and seconded to adjourn. Voice Vote: ayes, unanimous. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,
Patricia Murphy
Clerk